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Attorney Docket No.: RXSD 1022-1-03-18-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): SUNIL PURIA et al.
Appl. No.: 09/996,161
Confirm. No.: 2113
Filed: 27 November 2001
Title: Method for Using Sub-Stimuli to Reduce Audio Distortion in Digitally Generated Stimuli During A Hearing Test

Art Unit: 2152
Examiner: Unassigned

Customer No. 22470

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner of Patents
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a

concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

This statement should be considered because:

X **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).


Application No.: 09/996,161

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 23 January 2002

By: 
Mark A. Haynes, Reg. No. 30,846

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	09/996.161
				Filing Date	27 November 2001
				First Named Inventor	Sunil Puria et al.
				Group Art Unit	2152
				Examiner Name	Unknown
				Attorney Docket Number	RXSD 1022-1
Sheet	2	of	2		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	C1	F. BASILE, "Using the Windows Volume Control Mixer," http://www.cakewalk.com/Support/Lessons/WindowsMixer.htm , 2001. Twelve Tone Systems, Inc.
	C2	Hearingtest.com: Web site providing a survey type hearing assessment test and a telephone supported test, date of first publication unknown, however it is believed to have been on line at least as early as October 2000. We believe that the URL registration date is 17 October 1996.
	C3	Didyouhearme.com: Web site providing an internet based hearing test, date of first publication unknown, however it is believed to have been on line at least as early as 1 July 2000. We believe that the URL registration date is 21 April 2000.
	C4	Handtronix.com: Web site providing an internet based hearing test, date of first publication unknown, however it is believed to have been on line at least as early as 1 January 2000. We believe that the URL registration date is 17 October 1996.
	C5	Freehearingtest.com: Web site providing an internet based hearing test, date of first publication unknown, but is believed to have been live on or about 1 December 2000. We believe that the URL registration date is 4 December 2000.
	C6	Audiainc.com (also hearingrx.com): Web site providing an internet based hearing test, date of first publication unknown but is believed to have been as early as 1 April 2001. We believe that the URL registration date is 18 December 1999 for audiainc.com and 26 January 2000 for hearingrx.com
	C7	Nigelworks.com: Web site providing an internet based hearing test, date of first publication unknown. We believe that the URL registration date is 18 July 1999.
	C8	Onlinehearing.com: Web site providing an internet based hearing test, date of first publication unknown but is believed to be as early as 1 May 2000. We believe that the URL registration date is 1 October 1998.
	C9	Songbirdhearing.com: Web site providing a survey-type hearing assessment test, date of first publication unknown.
	C10	Weinstein.cncfamily.com: Web site providing an internet based hearing test, date of first publication unknown.
	C11	Audiologyawareness.com: Web site providing survey type hearing assessment tests, date of first publication unknown. We believe that the URL registration date is 24 November 1997.

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.